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ABSTRACT

New digital technologies and the rapid growth of the Internet are restructuring communications systems and transforming education and the economy. Noting that many of the resulting telecommunications policies will be made at the state level, this publication provides guidelines for child advocates to influence state policy regarding children's use of telecommunications. Chapter 1, "Children in the Digital Age," discusses the influences and benefits of digital technology in children's daily lives, the need to develop skills to benefit from these technologies, the current inequality in children's access to computer technologies, and opportunities at the state level to ensure that all children have the same access to information and other educational services. Chapter 2, "Shaping Futures State by State," discusses regulating telecommunications at the state level, targeting the states' Public Utilities Commissions (PUC) for advocates' action, and examines initiatives involving an advanced network connecting public schools and libraries such as that in Maine. Chapter 3, "The Promise of Universal Service," discusses the basic elements of universal service, the requirements of the Telecommunications Act of 1996, and suggests a framework for a universal service agenda. Chapter 4, "Winning at the PUC," outlines the development of an effective campaign for influencing telecommunications policy at the PUC, including identifying key corporate players, enlisting allies, developing an agenda, marshaling research and documentation, developing an effective filing, lobbying the PUC, negotiating with corporations, and working with the press. Chapter 5, "Beyond the PUC," considers state legislatures and administrations as additional targets for advocates' efforts. Chapter 6, "Closing the Digital Divide," summarizes the need to close the growing gap between children with and without access to technology. The publication concludes with a list of useful organizations and print resources and acknowledgments. (KDFB)

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FOR CHILD ADVOCATES

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CENTER FOR MEDIA EDUCATION

The Center for Media Education is a national non-profit organization dedicated to improving the quality of the electronic media. CME fosters telecommunications policy making in the public interest through its research, advocacy, public education, and press activities.

Founded in 1991 to carry on the work of Action for Children's Television, CME's primary focus is on children. In 1992, CME spearheaded a national Campaign for Kids' TV with more than 80 child advocacy, education, and parents groups. That effort resulted in a 1996 decision by the Federal Communications Commission to require TV stations to air a minimum of three hours of educational childrens programs per week.

CME's Action for Children in Cyberspace initiative was created to ensure that the new digital media will serve the needs of all children. The project includes four key elements:

A Policy Research Network linking leading academic researchers with policy professionals in order to develop a solid intellectual base for policy making;

A Children's Media Policy Network that brings key stakeholders together from the child advocacy, education, consumer, and civil rights communities;

A quarterly publication, *InfoActive Kids*, with companion online publications, which provides timely information on technological trends as well as a library of recent reports and a listing of key resources;

A strategic campaign designed to reframe the public debate over the media system and its impact on children, and to provide a clearinghouse for journalists.

At the national and state levels, CME is working with education, library, and child advocacy organizations to expand the access of poor and minority children to new educational technologies in school and at home. CME is partnering with several state child advocacy groups in campaigns to promote telecommunications policies on behalf of children and disadvantaged families.

CME's report, *Web of Deception: Threats to Children from On-Line Marketing*, exposed manipulative advertising on the World Wide Web targeting children. The report generated widespread press coverage and triggered an investigation by the Federal Trade Commission of on-line marketing practices.

CME has also played a leading role in organizing nonprofit organizations to address critical telecommunications issues. As a co-founder of the Telecommunications Policy Roundtable, CME has helped over 200 groups become involved in the policy debate over the information superhighway.

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Connecting *Children* to the **Future**

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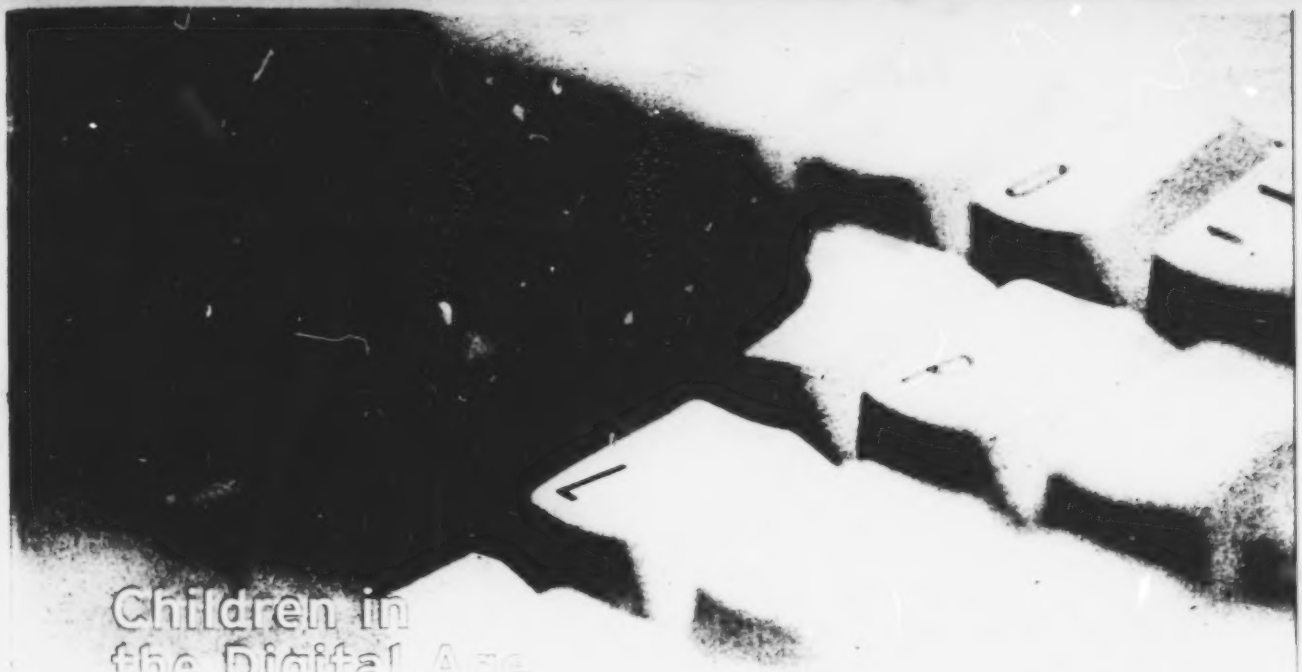
FOR CHILD ADVOCATES

prepared by

CENTER
FOR MEDIA
EDUCATION

November 1996



Children in the Digital Age

Child advocates have a unique opportunity to create an electronic legacy for children in the 21st century. The explosion of new digital technologies and the rapid growth of the Internet are restructuring our communications system and transforming education and the economy. These dramatic changes hold great promise for children, hopefully bringing them a new world of learning and equipping them for the most desirable new jobs. But the enormous potential of the Information Superhighway will only be realized if critical policy choices are made during the next few years. While major policy activity is taking place at the federal level, many important decisions will be made at the state level. These decisions will profoundly affect the lives of children for decades to come. Policies enacted by state public utilities commissions and legislatures will determine:

- ***Whether all students will have equal access to the Internet*** *and the vast educational resources it provides, or whether only students in the most affluent schools will reap these benefits;*
- ***Whether basic telephone service will be affordable to poor families*** *or whether they will find themselves cut off from the communications system;*
- ***Whether libraries and community centers will be equipped to serve all citizens*** *in the Digital Age, or whether some communities will be woefully unprepared to meet the challenges of this new era.*

In states around the country, coalitions of citizens' groups have been able to make significant gains for the public by strategically intervening in the policy process:

In Ohio, the diverse Consumer's Coalition participated in a telephone rate case at the Public Utilities Commission (PUC), winning lower phone rates and numerous other benefits, including 14 community computing centers.

In Maine, consumer, education, and library groups convinced the PUC to create a statewide data network for schools and libraries, and won a reduction in rates worth $20 million over five years.

In New York state, advocates for the poor people successfully fought for lower Lifeline telephone rates and a new fund for computer-based phone services at schools and libraries.

For the most part, child advocacy groups have not been part of these political efforts. Many advocates feel overwhelmed by the challenges they face trying to meet the basic needs of children and families — food, housing, jobs, and health care. But because the changes in our telecommunications system are central to the transformation of our entire economy, policy decisions shaping the Information Superhighway will significantly affect all of the vital issues that child advocates care about.

Unlike the struggles over welfare, health care, and public housing — which too often place child advocates in the difficult position of trying to hang on to diminishing public funds — telecommunications policies can bring new economic resources to communities. They can also play a role in solving some of the problems confronting disadvantaged families and children.

If child advocates do not intervene in these critical decisions, many of America's children will be worse off than they are now. Confronted with insurmountable barriers to the Information Superhighway, these children could be consigned to the ranks of the technologically illiterate—second-class citizens with declining job prospects.

This guide is designed to enable child advocacy groups to play a leadership role in communications policy making in their states. It will:

- ***HIGHLIGHT WINNABLE GOALS*** *that provide long-term benefits for children and families;*
- ***BREAK DOWN THE TELECOMMUNICATIONS POLICY PROCESS,*** *describing the key pressure points and arenas for effective intervention;*
- ***LAY OUT STEP-BY-STEP SUGGESTIONS*** *for conducting campaigns at state public utility commissions, and present examples of successful cases of intervention from around the country; and*
- ***PROVIDE RESOURCES FOR LEARNING*** *more about the issues and staying informed about advocacy efforts in other states.*

What's at Stake

Today's children are the first generation of the Digital Age. They are growing up in a world where computer technologies are producing

If child advocates do not intervene in these critical decisions, many of America's children will be worse off than they are now.

sweeping changes in every aspect of society. The Internet and its exploding multimedia sector, the World Wide Web, are rapidly becoming vital links to the world's commerce, communication, and culture.

We can already see the influences of digital technologies in the daily lives of many children. More and more children are cruising down the Information Superhighway. At least one million children are already on-line at home, and that number could easily quadruple by the year 2000. Children are chatting and sending E-mail, playing games, making friends, doing research, and being entertained.

The Digital Revolution

The digital storage of information (in a pattern of simple ones and zeros—the only language a computer understands), has caused an unprecedented convergence of media: one now can transmit a book, a sound, or a video (or some combination) over any medium digitally. A phone call can travel over airwaves. A video can be piped over a phone line. The ones and zeros into which all information can be translated can flow through any digital "pipe." Telephone companies can offer television channels, and cable companies can provide phone service. The wires that come into your house for cable and telephone can both be used for voice, video, and data transmission.

Our children's lives will be shaped by this new telecommunications system. Every child's education, employment prospects, and cultural opportunities will be molded by digital technologies. New skills and knowledge will become essential for navigating this wired world:

Employment. *As the computerization of the workplace continues, computer literacy is now required for more than half of newly created jobs. While only 25% of workers used computers in 1984, 47% did in 1993, and this percentage continues to rise.*

Employees with greater computer skills are paid more, and are eligible for more desirable jobs. There is a growing gap between an elite class of "symbolic analysts" — whose work of processing information uses sophisticated computer technologies — and an underclass of workers relegated to service and manufacturing jobs that require little or no computer expertise. Without basic computer skills, members of this technological underclass may have no way to improve their bleak prospects.

Much of the training now available for a wide range of jobs uses computer-aided instruction, and some of the best information about new jobs is available on-line.

Education. *Educational opportunity and economic opportunity are closely linked. Integrating computers into the curriculum will be essential in order to equip students for the new world of work. Students without the chance to acquire such funda-*

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mental technological skills will be left behind.

The growing use of computers and digital networks is transforming education. The benefits of these technologies have been well documented. They: 1) excite and engage students; 2) enhance their ability to think critically; and 3) motivate them to stay in school. Computers are particularly effective with low-achieving and remedial-program students. (See sidebar, "Educational Benefits of Computers and On-line Networks.")

On-line computer networks and distance-learning video networks can link students to invaluable new resources not available in their schools. They can give students access to a wealth of text and multimedia materials, and a host of outstanding teachers, scholars, and other students across the country and around the world.

Civic and political participation. *The Internet has enabled citizens to come together around key concerns and build vibrant communities on-line. In some cases these communities are locally based, allowing members to also work together face to face. In other cases they are national or international, enabling people to share information and ideas regardless of geographic proximity. They provide new opportunities for civic participation that should be available to every American citizen.*

Young people will soon need the ability to use on-line networks to fully participate in the democratic process. On the federal, state, and local levels, more and more information about issues and candidates is being provided on-line. There is extensive reporting, analysis, and commentary on many of the key choices facing policy makers. Citizens can find the information they need, query government officials, express their points of view, and work with others to advocate policy changes. Individuals without computer skills or access to on-line networks may become second-class citizens.

Social services and health care. *Families will need to use on-line networks to gain easy access to the latest medical and social service information. Health care providers are beginning to use digital networks to centralize and simplify their record keeping, provide services more efficiently, become more accessible to patients via E-mail, and expand preventive care. There will be increasing amounts of information available on-line concerning housing, welfare, and other social services.*

Libraries and culture. *As public libraries have incorporated new communications technologies, their potential role in children's lives has expanded. For young people with outdated computers at school and no computers at home, libraries are especially important, giving them access to equipment, software, and on-line networks. When students use digital resources at their local library to prepare reports for school, they can learn new research techniques and gain additional computer skills.*

The cultural opportunities for children are steadily expanding via computers, CD ROMs, and on-line networks offering rich resources in literature, photography, and painting. As computers and the Web gain multimedia capabilities, additional music, video, and film will become available.

Computers also foster more collaborative approaches to learning. Students can work together in teams, researching reports and preparing presentations.

Educational Benefits of Computers and On-line Networks

A substantial body of research has documented how computers and computer networks can enhance and enrich the learning experience.

Individualized instruction — Computer-aided instruction is more individualized than conventional classroom instruction, adjusting the pace and difficulty of material to a student's knowledge and abilities, and providing instant feedback and reinforcement. This approach enables students to learn as much as 30-50% faster with a corresponding reduction in instructional time and costs.

Basic and advanced skills — Computers are helping students improve their writing skills by enabling them to write more quickly and revise more easily. Computers can improve student performance in language arts, social studies, science, and especially math (where they help students visualize concepts). In one study, learning-disabled students showed gains of 80% for reading and 90% for math. Computers have also been shown to foster critical thinking, problem solving, and organizational abilities.

Multimedia — Exceptional multimedia materials (on-line, disk, and CD-ROM) are fostering new kinds of learning. Multimedia not only improve student recall of basic facts, but also can increase understanding of challenging material. Simulation software enables students to immerse themselves in complex, three-dimensional systems and test dynamic solutions in real time. Computers also foster more collaborative approaches to learning. Students can work together in teams, researching reports and preparing presentations.

Increased student motivation and parental involvement — Used effectively, computers can boost student motivation and attendance. Multimedia software, on-line resources, and collaborative projects can create more exciting and engaging learning environments, resulting in greater attendance and lower dropout rates. Networks connecting homes and schools can "make parents partners in their children's education." Not only do they give parents greater access to teachers and administrators through E-mail, but they also link parents directly into the child's learning process.

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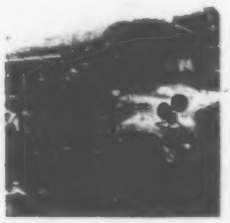
The Digital Divide

Equality of opportunity is a fundamental American ideal. Unfortunately, if current trends continue, the Information Superhighway will not foster equality of opportunity for children throughout the United States, but will instead create an electronic caste system. Already children can be divided into three categories, based on their access to the computer technologies needed for survival in the Digital Age:

- ***the privileged*** — those with full access to the Superhighway at school and at home
- ***the underprivileged*** — those with limited access at school or home
- ***the excluded*** — those with no access



The Gap at School. Public schools and libraries have been central to efforts to provide equality of opportunity to children. The educational opportunities of students in the poorest school districts would be dramatically enhanced if they were given access to the wealth of resources available on-line and via distance learning networks. However, thus far computers have increased rather than reduced inequities that already existed in our educational system.

There is a huge gap between the best computer-equipped schools and the worst-equipped. Those with the most computer resources have numerous multimedia computers, Internet access in classrooms, and teachers with the training and commitment to fully integrate computers into the curriculum. At the other end of the spectrum are schools without computers, Internet access, or teachers that could use them effectively.

Schools in central cities and schools with the highest percentages of minority students are the worst equipped with communications technology. In 1995, twice as many schools in higher income areas had access to these technologies than schools in lower income districts.

In 1994, 80% of all school computers were obsolete, and only 14% of teachers in public schools had more than eight hours of training in the use of educational technology.

The Gap at Home. Children will require regular computer access at home as well as at school. Yet the gap has been widening between better-off and worse-off homes. Between 1984 and 1993, children's access to computers in high income families increased from 25% to 51.4%, while the access of children in low-income families to computers only rose from 2.5% to 4%.

Home access to on-line networks is even more skewed. In addition to owning a computer and a modem, a family must be able to pay monthly phone and access fees. But in a society where telephone service is essential, 30% of poor families with young children have no phone service. Even if these families were given

In 1994, 80% of all school computers were obsolete, and only 14% of teachers in public schools had more than eight hours of training in the use of educational technology.

computers, they would have no way to connect to their school networks or access any of the other educational resources on-line.

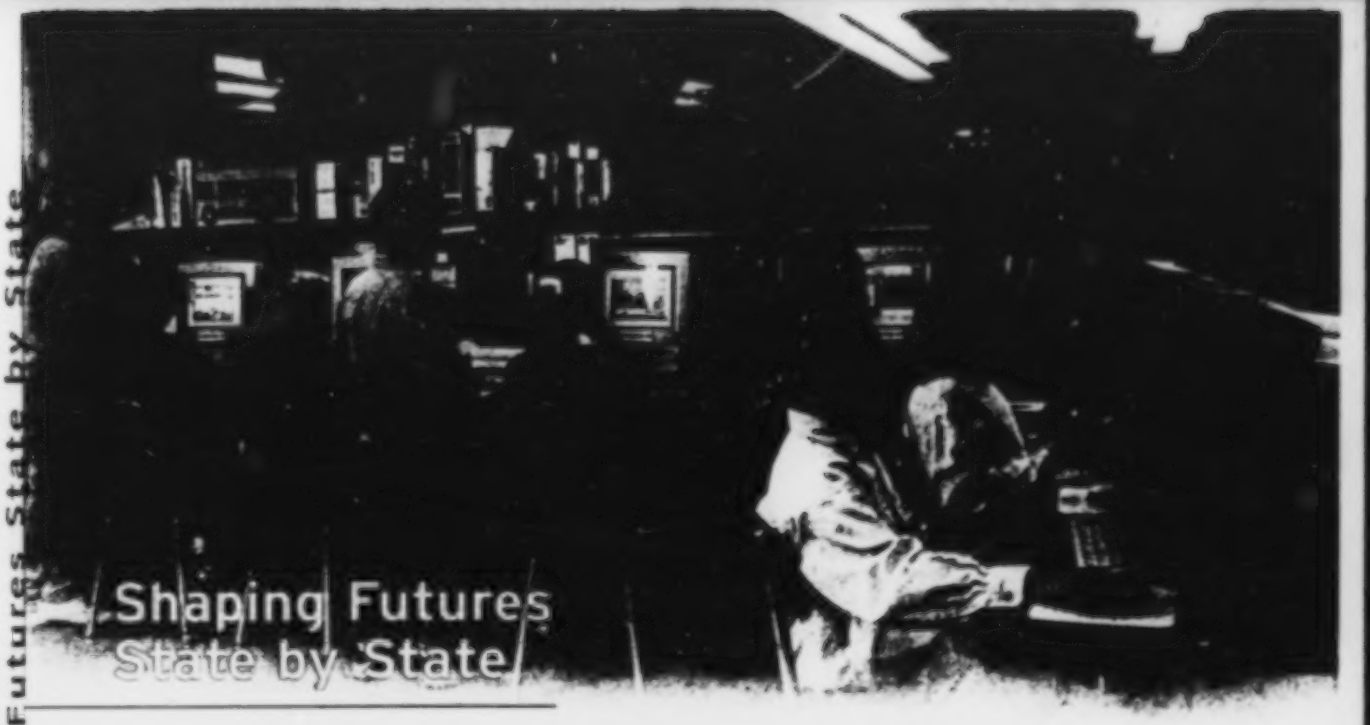
An Unprecedented Opportunity

It is possible to provide every child with access to computer technology, and to ensure that low-income children have the same access to information and other educational services that many children of higher income families now have. Policy decisions to be made in the next few years will determine whether all children or just the most privileged ones are given the opportunity to use these invaluable resources. During this period, government, industry, and citizens will work through the regulatory issues to determine whether essential telecommunications services are affordable to all consumers and how all people can benefit from these new technologies.

While some of this activity will take place at the federal level, policies made by states will affect the life of every child. New political opportunities are being created as states revamp their universal service policies, and legislatures retrofit their educational institutions for the Digital Age. Depending upon the kinds of policies enacted in these states, children of low-income families will either have new opportunities opened to them or be further disconnected from the economic and democratic life of the society. ***At the state level, there is now a critical window of opportunity to shape the new information environment.***

Few groups working on behalf of the underserved are currently advocating for the needs of children in the Digital Age, particularly those in the low-income, rural and minority communities that are likely to be left behind. Child advocates — educators, child development specialists, parents and youth workers — have a critical leadership role to play. Key issues that will directly affect children's lives are being decided. Those discussions need the expertise and commitment that can only be supplied by child advocates.

In order to take advantage of this opportunity, child advocates must organize quickly to promote equitable telecommunications policies that will benefit children. The challenge is to understand the evolution and regulation of this new technology, and to take decisive action during this critical period. The following sections of this guide will provide essential information for understanding the issues and organizing for change.



Shaping Futures State by State

In 1993, a local librarian in mid-coast Maine inquired about the cost of adding a telephone line to hook up a fax machine. When the NYNEX representative quoted her the expensive commercial rate, the librarian complained to the consumer assistance division at the Maine Public Utilities Commission. This simple complaint plunged the librarian and her colleagues into the intricacies of state telephone regulation. In less than three years, they launched a statewide coalition, intervened in two PUC rate proceedings, and got a bill passed in the state legislature. These advocacy efforts not only lowered rates for libraries but also led to the creation of a statewide data network for schools and libraries worth $20 million over five years. (See sidebar, "Focusing on the Maine Issues.")

Public interest groups around the country are discovering how relevant telecommunications policy is to their concerns and goals. Some have conducted their own crash courses, using allies and experts to guide them through complex terminology and arcane public utility procedures. But the rewards have been very significant — lower Lifeline rates for telephone service, funds for wiring schools and libraries, special computer networks, and training programs to help bring disadvantaged communities into the Digital Age.

These activists are taking advantage of dramatic changes in the telecommunications industry. A massive wave of mergers and alliances is transforming the telecommunications business, creating new industry giants like Disney-ABC, Westinghouse-CBS, and (pending) Bell Atlantic-NYNEX. Long distance, local phone, cable television, and wireless companies are all vying to sell: local and long distance voice services, data services, Internet access, and even video programming.

This dynamic growth and restructuring has triggered unprecedented policy activity at both the federal and state levels. Passage of the sweeping Telecommunications Act of 1996 reshaped over 60 years of communications policy, ushering in a new era of competition. The law makes it possible for companies that were focused on one segment of the telecommunications market to compete for other market segments.

As a result of this law, all states will have to write new rules to open up the local telephone monopoly to competition. PUCs are also required to foster strong public interest policies designed to guarantee service quality, affordability, and universal service. This interplay between public and private interests has created a brief but important political opening for child advocates. As the Maine activists learned, successful strategic intervention now can reap long-term benefits for children.

Focusing on the Maine Issues

It started with a simple complaint. A public librarian in Maine contacted the PUC after she discovered that the phone company (NYNEX) would charge commercial rates for a new fax line at the library. A survey of the members of the Maine Association of Librarians revealed that many librarians were faced with paying commercial rates for an increasing number of services needed to serve their communities. A quarter of the state's libraries had no telephone service at all in 1994. The librarians decided to launch a campaign to convince the PUC to develop policies that would ensure access to telephones and advanced networks.

They were able to take advantage of a PUC proceeding examining both NYNEX's request for alternative regulation and complaints from rate payers. The proceeding attracted a wide range of intervenors, including the libraries, a community networking group (Maine Community Access Network), and the Department of Education. Consumer interests were also represented by the Office of the Public Advocate, the Maine American Association of Retired Persons (AARP), and a coalition of heavy users of telecommunications services, mostly corporations and institutions. These groups worked independently, yet many had shared interests and communicated and supported each other when possible. Their representatives testified at the public hearings held by the PUC. The groups also met with staff from both the PUC and the Office of Public Advocate to get help with technical and procedural issues. The groups generated letters from supporters to the PUC.

The advocates provided detailed information to PUC Commissioners about the issues, including personal testimonials about the high cost of service. The fact that librarians and educators had no previous involvement in PUC affairs proved to be an advantage. According to Paul Schroeder, who served as volunteer coordinator for the library groups, "...because the process is (generally) dominated by lawyers and expert witnesses, a committed public advocacy group with a clear public interest agenda may be heard as a welcome fresh voice by the regular participants, including the Commissioners."

The PUC eventually ordered NYNEX to spend $4 million a year for five years to either "reduce rates and/or provide additional services or equipment to schools and libraries." It ordered NYNEX to develop a plan to spend these funds in cooperation with library and school groups. Phone company officials then negotiated with education and library representatives, and reached an agreement satisfactory to everyone.

The final plan included an advanced network connecting public schools and libraries. Libraries will have free access to the network and the Internet for five years. Each library will be eligible for two phone lines at non commercial rates, and library rates for in-state long distance service will be lowered. In keeping with the negotiated plan, the PUC ordered the creation of a statewide data network for schools and libraries, as well as reduced rates for service.

Regulating Telecommunications

Telecommunications policy has largely been a joint responsibility of federal and state governments. In general, the federal government has jurisdiction over communications between states, including long-distance service, while each state has jurisdiction over all communications within the state, including local telephone service. Sometimes state and federal jurisdictions overlap since the same equipment and networks are used for both interstate and intrastate communications.

The Federal Level. Congress is responsible for making laws to govern telecommunications nationally. The Telecommunications Act of 1996 created a new framework. The *Federal Communications Commission* (FCC) is responsible for implementing this new law and is currently conducting over 80 formal rulemakings.

The State Level. Within the telecommunications framework established by Congress and the FCC, states have a great deal of latitude for policy making. At the state level, this takes place in three key arenas, which each provide opportunities to influence the process:

The State Legislature — Many state legislatures are revising their laws in light of new technologies and industry restructuring. In 1995, fifteen states revamped their telecommunications laws. Some states will also have to pass legislation in response to the federal Telecommunications Act.

State legislatures have direct responsibility for education policy and appropriations, both areas where strategic interventions can be made on behalf of children. Legislatures also determine how new technologies will be integrated into schools and libraries.

State Regulatory Commissions — Public utility commissions implement and enforce all state telecommunications laws. Sometimes called *Public Service Commissions* (PSCs), they have the legal authority to regulate utilities (e.g. telephone and energy companies). PUCs write detailed regulations to carry out the broad intent of state laws, and then enforce these regulations. If a PUC finds that a telephone company has been overcharging, it can require the company to pay a fine, give credit to customers, or make in-kind contributions to the community. In other situations a PUC may change its rules to give telephone companies more regulatory flexibility. PUCs determine what rates telephone companies can charge for basic, Lifeline, and advanced services, and which neighborhoods are wired for interactive services.

Every state must re-examine its telecommunications rules and regulations to make sure they are consistent with the new federal law. ***The most promising opportunity for child advocates is participation in the PUC's development of new universal service policies.***

The State Administration — In addition to their influence over the legislative process, governors have unique tools to help children: a bully pulpit, a policymaking apparatus, discretionary funding, and the administration of the state agencies. The Education Commissioners and officials of the Department of Telecommunications can also be important allies.

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The most promising opportunity for child advocates is participation in the PUC's development of new universal service policies.

Targeting the PUC

In most states, the ideal target for child advocates seeking to influence telecommunications policy is the Public Utility Commission. This will be particularly true during the next few years while PUCs oversee the transformation from a telephone monopoly to a competitive marketplace. Because most child advocates are not familiar with PUCs, we have devoted a significant part of this guide to explaining how to influence them.

Consumer groups, library and education organizations, and some advocates for poor people have won important gains by intervening in PUC proceedings. One of the biggest victories was in Ohio where a coalition got the PUC to reduce rates for all residential phone subscribers. More significantly, the PUC created a major package of long-term benefits, which included community computer centers and millions of dollars of digital technology and services. (For a full discussion of this case, see sidebar, "Winning Long-Term Benefits for the Public in Ohio.")

Most of these telecommunications proceedings will be taking place anyway, with or without the involvement of child advocates. But decisions made by PUCs on seemingly arcane technical matters can have far-reaching impacts, affecting not only the affordability of phone rates, but also whether everyone is able to participate in the Digital Age. Advocates have considerable leverage since telecommunications companies have so much at stake. Participation by advocates is "desperately needed," says Ron Choura, Deputy Director of Policy at the Michigan Public Service Commission. "Groups need to participate to get these companies and regulators to pay attention to the public interest." Without such involvement, important opportunities will be lost.

It is particularly important that child advocates play a *leadership role* in these political efforts. Child advocates have the expertise about the state of children, and are best positioned to explain persuasively what is at stake for them in this transition to a new communications era. In most proceedings the main participants are communications companies whose businesses are directly affected by PUC policies. When there has been public interest participation, it has usually been by consumer groups concerned about ensuring good service quality and preventing companies from overcharging customers. These groups can be useful allies for child advocates, even though they are not specifically focused on the needs of children and families.

Winning Long-Term Benefits for the Public in Ohio

A broad coalition of groups was able to garner significant resources and policies for low-income residents from Ameritech, the Baby Bell that serves Ohio. The 25-member Consumers' Coalition included consumer representatives (e.g., the Office of Consumer's Counsel and the AARP); low-income advocates (e.g., the Edgemont Neighborhood Coalition, the Legal Aid Societies of Dayton and Cleveland, and the Greater Cleveland Welfare Rights Organization); cities (e.g., Cleveland, Columbus, and Toledo); and the state departments of Education and Administrative Services. "It was important that there was a wide variety of public interest intervenors," explained Ellis Jacobs, the Legal Aid lawyer representing the Edgemont Neighborhood Coalition. "The range gave us more legitimacy than any one of us would have had by ourselves."

Legislation passed in 1989 gave the Ohio PUC authority to grant alternative regulation schemes, if they were in the public interest. In 1993, Ameritech asked the PUC to change the way it regulated telephone rates, shifting from a traditional *rate-of-return* policy to a *price cap* approach. (See page 26 for a full explanation of these terms.) The PUC consolidated this *alternative regulation proceeding* with a separate case in which the Office of Consumers' Counsel accused Ameritech of overcharging Ohio residents for phone service.

The PUC required Ameritech to show how its plan to shift to alternative regulation might affect the goal of universal service. Ameritech promised large infrastructure investments in its network, including some services targeted at schools. But a 1994 PUC staff report concluded that Ameritech's rates were too high, and that the commitments made by the company did not appear to meet the public interest. This gave the Consumers' Coalition leverage. In hearings, the Coalition provided additional evidence, an analysis of Ameritech's promises, and a well-researched argument about the information gap facing students in telephone and computer access.

Questioning revealed that Ameritech's promised distance learning hook-ups would require a school to spend tens of thousands of dollars to outfit a classroom. Since only rich schools could afford the start-up costs, the Coalition argued that Ameritech's plan would actually increase disparities in access. "We were able to raise the issue of the information haves and have-nots by pointing out the contradictions in their case," Jacobs noted.

After hammering out a negotiating strategy, the Consumers' Coalition began meeting with Ameritech representatives. The package that Ameritech eventually agreed to was supported by the PUC staff and the entire Coalition.

The final settlement included:

- a reduction in residential phone rates (an average decrease of $2.80 a month), to be phased in over five years;
- a Universal Service Assistance program which will make reduced rate phone service available to 600,000 low-income families;
- funding for 14 community computing centers throughout the state that will make technology and training available to low-income communities;
- an $18 million fund to enable schools to purchase high technology equipment and services over the next six years, with low-income school districts receiving priority.

Jacobs suggested that groups in other states use a similar approach. "Getting involved in these proceedings is really worthwhile, and will probably yield some good results," he said. He recommended that groups "argue that universal service today needs to be expanded to include the computer networking ability of telecommunications. In low-income communities, we are talking about breaking through to get access for a neighborhood."

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The Promise of Universal Service

One of the best opportunities for child advocates is to participate in the PUC's proceeding on *universal service*. An effective universal service policy could provide many benefits to children and disadvantaged families, ranging from special telephone rates for low-income people to computers in the classroom. The concept of universal service is a key to framing the political debate on telecommunications policy.

Universal service is a long-standing policy in U.S. communications. Since it was first articulated at the turn of the century, the policy has evolved into an important social compact designed to make sure that everyone, regardless of income or geography, has access to affordable telephone service. While there is some variation from state to state, the basic elements of universal service include:

Low rates for residential service. One of the key universal service goals is to keep residential phone rates low so that everybody can afford a phone. Regulation has held down rates for basic residential services, while enabling phone companies to make more of their profits from higher business rates and charges for advanced services.

Affordable rates for "high-cost" areas. Subsidies are used to lower the phone rates in locales, particularly rural areas, where providing service is more costly.

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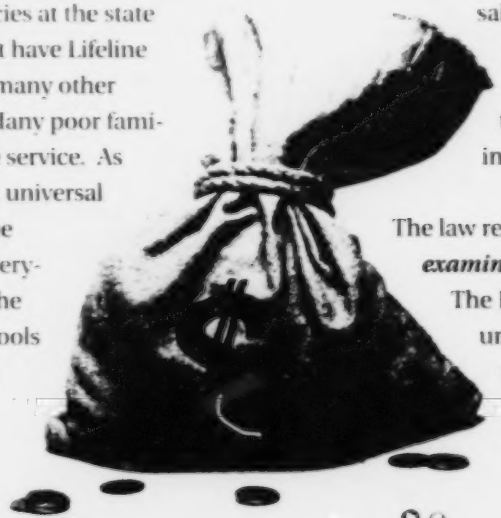
Lifeline services for low-income people. *Lifeline* programs provide basic phone service at very low rates for low-income people. These consumers are also the beneficiaries of other programs such as *Link-Up America*, which provides substantial discounts on the hook-up costs for new phone service.

Outreach programs and other special services. Some states have developed outreach programs to inform those who are eligible (in non-English-speaking communities, for example) about Lifeline and other forms of assistance targeted at them. Many states have also begun providing voice relay and other special services to give disabled people better access to telephone service.

Funding for these services has come from various kinds of internal *cross subsidies* and, in recent years, from *universal service funds*. (See sidebar, "Universal Service in Transition.")

There is still much room for improvement in universal service policies at the state level. Nine states do not have Lifeline programs, and those in many other states are inadequate. Many poor families cannot afford phone service. As we enter the Digital Age, universal service policies should be revised to ensure that everyone will have access to the essential technological tools needed to participate in society.



The New Dynamic

The Telecommunications Act of 1996 has created that opportunity. The law is the first major overhaul of federal communications regulation since the original Communications Act of 1934. While it deregulates many aspects of the communications industry, it firmly establishes a set of principles and goals for universal service. It creates a system for updating universal service policies to ensure affordable access not only to basic phone service but also to more advanced communications services which may eventually include E-mail, a modem-ready line, and video. Thanks to the lobbying efforts of education and library groups, the law contains an important new provision guaranteeing schools, libraries, and rural health facilities "affordable" rates for advanced communications services. This provision is particularly important for child advocates because it could enable schools and libraries to serve as technology access centers in their communities.

The details of implementing the new universal service provisions must be hammered out by the FCC and the state PUCs. The FCC has appointed a Joint Board of state and federal utility regulators to recommend new federal universal service guidelines. The Board made its recommendations to the FCC in November 1996, and the FCC will issue new guidelines in May 1997.

The law requires ***every state PUC to re-examine its universal service policies.*** The FCC will establish a baseline for universal service, but states are free to set a higher standard, as long it is consistent with the federal principles and guidelines.

"Seventy-five percent of all telephone costs currently fall within state jurisdiction," according to the Consumer Federation of America and the AARP. Thus PUCs will play a central role in redefining universal service. Each PUC must now:

- ***establish*** *an equitable method for requiring all telecommunications companies to contribute to the state's Universal Service Fund;*
- ***determine*** *which advanced communications features should be included in basic residential service;*
- ***develop*** *effective Lifeline programs to assist low-income people;*
- ***ensure*** *that schools, libraries, and rural health facilities benefit from advanced telecommunications services through policies designed to promote educational infrastructure; and*
- ***create*** *policies to ensure equitable access to new services for disabled Americans and other groups with special needs.*

All of these issues need significant input from child advocates. As Ira Fishman, Special Counsel at the FCC, explained: "State telecommunications regulators don't have a history of working on children's issues. But with the changes in universal service, they need to be educated by those who represent children."

Universal Service in Transition

When phone service was a monopoly business, universal service policies required the telephone company to serve everyone, to provide low-cost service, to develop outreach programs for hard-to-reach households and communities, and to establish special rates and programs for the poor and disabled. Companies met these obligations through a set of internal *cross subsidies* — the surplus from inflated long-distance and business rates was used to lower the rates for residential and "targeted assistance" customers.

Following the breakup of AT&T in the mid-eighties and the subsequent growth of competition (particularly in the long-distance business), a national *Universal Service Fund* was established. It collects money from long-distance companies and then subsidizes the universal service programs of local phone service providers. This federal fund is administered by a nonprofit organization (the National Exchange Carrier Association), and regulated by the FCC. In 1995, this fund allocated approximately $750 million. Some states have also created universal service funds.

The new competitive environment poses challenges for universal service. As competition increases, there is pressure to create a level playing field by eliminating some of these subsidies and cross-subsidies. Questions are being raised: Why should the incumbent phone company receive money from the universal service fund if a competitor can provide the same service? How can another telecommunications company compete with an incumbent phone company on rural or residential rates if the rates are subsidized?

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A Children's Agenda

Child advocates should seize the opportunity created by the universal service proceeding to develop and promote a "Children's Agenda for the Digital Age," a broad vision for ensuring that the telecommunications system serves the needs of all children. This process is potentially one of the most exciting and challenging parts of your political effort. The somewhat elastic meaning of universal service gives advocates an opening to develop an inclusive vision in which all children and families have the opportunity to reap the benefits of the Digital Age.

An awareness of the range of programs and services that can be part of a universal service policy is important. A number of states have recently made significant improvements in their universal service policies; several have developed innovative new programs which could serve as models for other states.

Here is a suggested framework for a universal service agenda, along with examples of promising state policies.

Ensuring Access for All. Everyone in the state, regardless of income, should have telephone service, since it has become an essential tool for participation in society. Families without telephones are cut off not only from friends, but also from emergency services, job opportunities, and essential information.

Lifeline. If a state does not have an effective Lifeline program, advocates should put that at the top of their agenda. If a significant number of low-income families with children do not have phone service, then new policies to expand Lifeline and other assistance programs to those families are needed. These can include outreach efforts to encourage people to sign up for telephone service, as well as discounts on hook-up charges through the Link-Up America program.

Outreach to families. There are opportunities to make Lifeline and other services more family-friendly. Many Lifeline programs have focused their outreach efforts on seniors rather than families with children. Outreach programs could use schools to help encourage families without phones to take advantage of Lifeline and other programs.

The New York Public Service Commission recently instituted a promising program that automatically offers Lifeline services to low-income residents, rather than putting the burden on them of finding out about the program. "This is great outreach for the low-income populations who need the service but don't know about it," explained Michael Haase of the Public Utility Law Project.

New billing practices. Changes in billing practices can also help remove barriers to phone service. Researchers have found that many people are disconnected from telephone service because of charges to their long distance bills which they cannot control (too many neighbors sharing a single phone, for example). A number of states are exploring the idea of separating local and long distance bills, so that local service can continue even if long distance is cut off.

Families without telephones are cut off not only from friends, but also from emergency services, job opportunities, and essential information.

Connecting the Community. Local computer networks and the Internet are becoming vital links to government information, health services, and education. While it may take time to connect all homes to these networks, every individual can be given access to them if libraries, schools, and other public institutions are connected. It is especially important that schools and libraries provide access to everyone, particularly members of low-income communities without home access to these networks.

Schools and libraries. While the Telecommunications Act mandated that schools and libraries receive telecommunications services at "affordable" rates, the details remain to be worked out. Seventeen states already provide educational discounts for telecommunications services, ranging from basic phone dialtone to broadband video service.

Discounts on hook-up and monthly service charges will only cover a small portion of the costs of linking schools and libraries to the vast resources of the Information Superhighway. Money is also needed for equipment and training. Although universal service funds have not traditionally been used for this purpose, a persuasive case can be made for this in light of the new federal law.

Community institutions. Special policies will also be needed to give other institutions and organizations access to advanced telecommunications. The California PUC will give certain community-based organizations a 25% discount on some telecommunications services. Health-care, educational, and employment facilities, as well as most nonprofit organizations could be eligible for reduced rates. Child advocates should encourage other states to follow this lead, placing special emphasis on day care centers, social service agencies, and other institutions that provide services to children and families.

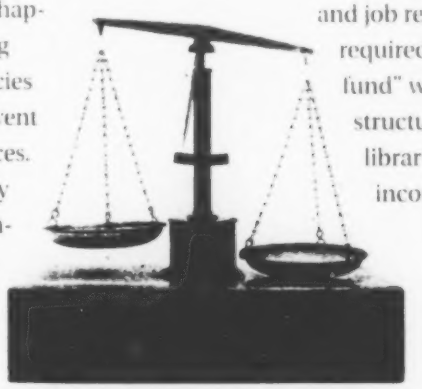
Meeting the Needs of Special Communities. The needs of special populations — including non-English speakers, the disabled, migrant families, and the homeless — should also be part of a universal service agenda. States with large immigrant populations may need policies to help non-English speakers get phone service. California has recently adopted a new universal service goal to connect 95% of the low-income, 95% of the minority, and 95% of the bilingual communities to the telephone network. The two largest telephone companies in the state, Pacific Telesis and GTE, are required to file one, two and five-year marketing plans for expanding awareness of Lifeline and other assistance programs in these communities. "This is a significant decision, which will bring us a long way toward wiring these disadvantaged communities," stated Mark Savage, an attorney with Public Advocates, which represents minorities and the poor in California.

Special programs should be established to

ensure that the disabled have effective access to telecommunications. Many states already provide services such as voice relay (where operators on terminals can relay teletype messages to deaf people) and Braille phone bills. Wisconsin provides significant discounts on the purchase or rental of special equipment, and makes a range of services available to disabled subscribers, including free operator assistance for dialing, free custom-calling features, and unbilled directory assistance calls.

Some states (such as Pennsylvania) have initiated programs to provide voice-mail to the homeless so they can receive responses to job inquiries and maintain family connections. Similar efforts have offered E-mail accounts through local libraries.

Preventing Discriminatory Practices. As telephone companies upgrade their plants by installing digital switches and fiber optic lines, every community should be ensured timely access to this improved technological infrastructure. However, in recent years, some phone companies have engaged in "electronic redlining" — the practice of bypassing low-income and minority communities when building telecommunications infrastructure. There is a real danger that these communities will be the last to be wired (which happened in many cities during cable TV franchising). Policies should be instituted to prevent such discriminatory practices. The California PUC recently prohibited electronic redlining. While not traditionally part of universal service, the issue should be included in the policy agenda.



Upgrading Service to the Home. In recent years, touchtone dialing has become increasingly essential for accessing computer networks, and using long-distance service and voice-mail. Most states have now added touchtone to their definition of basic service, but there is variation from state to state. A few states still don't include touchtone, while others such as Colorado and Wisconsin, have added fax and modem capability to basic service.

If all families are to have equitable access to the emerging communications system, the basic service package must be periodically reviewed and improved. The federal law requires continually upgrading universal service as technology advances. Advocates need to monitor this process carefully at the PUC. The definition of universal service should eventually involve a mix of advanced telecommunications services including E-mail, high-speed connections, and video.

Investing in the Community. Universal service proceedings provide opportunities to get companies to commit substantial resources for new advanced networks. Winning such commitments for *infrastructure investment* can ensure the creation of networks which foster job creation, entrepreneurship, lifelong learning, and job retraining. The New York PSC required NYNEX to set up a "diffusion fund" which targeted a portion of infrastructure investment for school and libraries. (See sidebar, "Gains for Low-income Residents in New York State.")

Winning at the PUC

You should now have a clear idea of what the issues are and what is at stake for children. Let's talk about how your group can develop an effective campaign for influencing telecommunications policy at your PUC. Most child advocates have plenty of experience with lobbying and issue advocacy. Working at the PUC is similar in many ways to working with other state agencies and the legislature. We've provided some information about how PUCs operate and what you need to know to influence them. Despite some variation from state to state, most of them have similar processes and functions. We've also identified some potential political allies for a campaign to shape telecommunications policy on behalf of children.

Key Tactics

Many of the tactics outlined below will be useful in efforts you undertake at the PUC, other state agencies, and the legislature.

Finding Out What's Going On. The first task is to identify which PUC policy proceedings are coming up (or are already underway) that could provide a political opening. Be sure to find out when any proceedings on universal service are scheduled.

This initial fact-finding process will help you become familiar with current telecommunications policies in your state. Does your state have a Lifeline policy? Are there mechanisms already in place for discounts to schools and libraries? You should also begin identifying potential supporters and sympathizers during this phase.

The best sources for orienting yourselves quickly are:

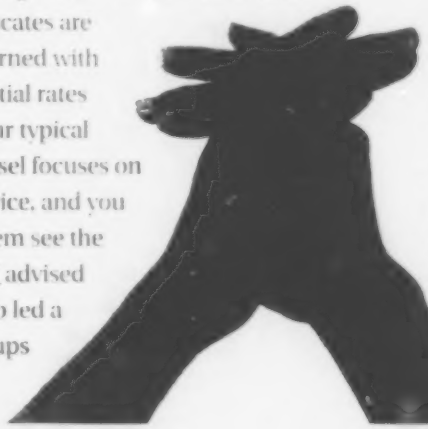
The PUC staff: The public information office should be able to send you a schedule of upcoming proceedings as well as background information on key issues. Ask if the Commission has formally issued a "Notice"

that it intends to take action on key issues such as universal service or alternative regulation. Formal proceedings generally have a timetable for soliciting comments, conducting studies, and holding hearings. Your efforts should be planned around that schedule. Make sure your organization is added to the mailing list for any docket involving telecommunications.

You should also request information about the commissioners and key staff working in economics, policy, or enforcement. Staff members with consumer or public interest advocacy backgrounds could be particularly helpful in your efforts.

Consumer Advocate's office: Most states have an official designated to represent the public interest in proceedings at the PUC and other agencies. The consumer advocate (sometimes known as the People's Counsel) has detailed knowledge of the Commission's processes, priorities and schedule, as well the key players. A meeting with the staff person assigned to telecommunications is an important early step which could yield valuable information and insights.

The consumer advocate may become one of your key allies. However, while likely to be sympathetic to arguments about access and education, advocates are primarily concerned with keeping residential rates affordable. "Your typical consumer counsel focuses on the price of service, and you need to help them see the broader issues," advised Ellis Jacobs, who led a coalition of groups in Ohio.



Consumer groups: The state's principal consumer group is likely to be actively involved in telecommunications issues. If so, it can bring you up to date about what is going on. Since these groups usually have telecommunications expertise, you should enlist their help early on. While your organization's interest in telecommunications policy may differ somewhat from theirs, both groups will share a number of goals such as affordable rates, and improvement in Lifeline and outreach programs. You may have to educate them about the particular needs of children.

Identifying Key Corporate Players. The PUC, the consumer advocate's office, and leading consumer groups will help you identify the key corporate players in telecommunications policy. Get copies of company proposals at the PUC. Talking to their public information representatives can be helpful. The main player in any Commission proceeding is the utility being regulated, which usually means a Baby Bell company. The other corporate players will be the Bell's competitors, which may include long-distance companies planning to offer local phone service. Cable companies may also be involved in the proceedings.

Enlisting Allies. Consumer, education, and disability groups already involved in telecommunications policy are potential allies. (The "Resources" section at the end of the guide lists a number of national groups with local affiliates or chapters that are working on telecommunications issues.)

Consumer groups such as Consumer Federation of America, Consumers Union, Citizen Action, and the PIRG

As child advocates, you are in a unique position to draw in organizations that may have no prior experience with telecommunications issues but are deeply concerned about the future of children.

(Public Interest Research Group) network often have extensive expertise and political savvy on these issues. Many have grassroots memberships that give them clout. The AARP has also been a strong consumer advocate in many state regulatory proceedings on telecommunications.

Education and library organizations working on telecommunications issues include the Council of Chief State School Officers, the National School Boards Association, the National Education Association, and the American Library Association. All have state and local counterparts.

Groups representing the *disability community* have a major stake in the outcome of telecommunications policy making, and have been actively involved in these issues at both the state and national levels.

Many hospitals, child care centers, colleges and universities are working on telecommunications policy; some are direct providers of telecommunications services. Universities often serve as the hub for education networks in their states.

As child advocates, you are in a unique position to draw in organizations that may have no prior experience with telecommunications issues but are deeply concerned about the future of children. Groups focused on poverty, economic development, or civil rights are natural allies. Enlisting their participation may require you to explain how becoming involved in telecommunications will help their constituencies. If you frame the issue well, you should be able to build a broad-based coalition of groups to support your initiatives.

Create opportunities so that "different organizations can have different levels of involvement," said Mark Savage, who represents low-income and minority groups in California. Some coalition partners may simply want to sign off on filings and press releases after briefly looking at the materials. Other groups may want to be involved in drafting materials and in the actual press and coordination work (especially if they have a particular issue they want to make sure is included). A very active group with a lot of resources may actually want to take the lead on aspects of a campaign, and be involved not only in filings but also in all negotiations and stages of a proceeding.

There are a number of individuals and organizations within state government who can be important allies. Your most likely ally is the Department of Education; others, like a Department of Youth Services, Office for Children, or Division of Administrative Services, may also be interested. The support of the governor or key legislators may help you persuade the PUC. Since both political parties are concerned about the quality of education and the role of technology, you should aim for bi-partisan support.

Developing an Agenda. Once you have identified the key issues and learned the timetable for policy decisions, you

should develop an agenda that clearly states your policy goals. It may take time and effort to craft a well-researched and written agenda. Your vision of telecommunications policies that serve the needs of children will be an invaluable tool for soliciting allies, building coalitions, and framing issues in the news media. We've outlined some of the elements of a Children's Agenda for the Digital Age (see pp. 16). Your agenda should be tailored to the particular needs of children and families in your state. When possible, develop synergism with other issues you are working on. If you have a "ready-to-learn" campaign for children in your state, make sure telecommunications is a key part of that effort.

The agenda should be broad enough to enable you to enlist the support of a wide range of organizations, including consumer groups. It is particularly important to develop a proposal that reflects the interests of the average consumer and keeps rates as low as possible.

Marshaling Research and Documentation. You should provide sufficient documentation to justify the need for each item on your agenda. Make sure that every item has a reasonable price tag.

The communications companies involved in the proceedings have far greater resources available to them than you do. They can afford to fund elaborate reports which support their policy goals. To counter their positions persuasively, public interest groups must master the details and marshal the economic arguments to support their positions. You may need to enlist the help of economists or telecommunications policy experts to develop a proposal which persuasively lays out the issues in economic terms. Depending on the issue, a number of organizations may be able to provide helpful data and analysis. (e.g., if research is needed to support the need for access for low-income students, several groups across the country probably have already done much of this research. See "Resources" p.33) If additional research is needed, you could enlist a coalition partner such as a public counsel's office or a consumer group, or seek *pro bono* help from a local university.

Developing an Effective Filing. Because the formal process varies from state to state, the best way to develop an effective filing is to get help from a lawyer experienced with PUC proceedings. - However, you aren't required to use a lawyer to draft a formal comment. Here are some general guidelines:

A *notice* published by a PUC asking for comments serves as a general guide. Usually, a notice defines the problem, describes the history, refers to the key documents, lays out some options, and proposes certain solutions. It requests specific opinions on: a) what is legally possible; b) what works economically; and c) what is good social policy. It invariably asks for specific data to enable the PUC to make an informed judgment. Even if you want to reframe the issues, it is best to take the lead from the notice.

It is not necessary to address every issue posed and answer every question asked. Rather, it is important to be as comprehensive as possible with the issues you do choose to address. Make your arguments forceful and substantive even if they only address some of the issues. Structure your filing as follows:

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Your vision of telecommunications policies that serve the needs of children will be an invaluable tool for soliciting allies, building coalitions, and framing issues in the news media.

a) Most filings usually have an official form as a cover page that includes the docket number, the title of the proceeding, the names of the commenters, and the counsel. It is useful to observe how other organizations format their comments.

b) Introduce your coalition and mention its standing and interest in this proceeding. You should let the commission know that you are the "good guys," the ones with the public interest at heart.

c) State your principles, what you want to accomplish, and your ultimate goal. Be clear and precise.

d) Structure the comments as a series of arguments. Lay out the points you want to make, and then create subsections that augment and support each point. Make the comments easy to read and to reference (some commenters number each line or paragraph.)

e) Document everything with footnotes. If the PUC wants to adopt your position, the staff has to back it up with facts and documentation that will shield their decision from legal challenge.

f) Place additional information in appendices. Use an appendix to state your experts' qualifications, and their methodologies for arriving at conclusions in the body of the report.

g) The table of contents (recapping the titles and subtitles) should read like an outline, giving a concise sense of your position in the filing.

h) An executive summary at the very beginning can explain your principles and argument briefly and clearly for the PUC, as well as for politicians and reporters.

Lobbying the PUC. Lobbying on any specific telecommunications issue usually involves two levels of activity: the articulation of broad policy goals, such as "competition" and "consumer protection"; and a process for working out the details of implementing these larger goals. While PUC commissioners desire to make sound public policy, they are also subject to political pressures. While mindful of political forces, PUC staff usually attempt to recommend to the commissioners policies that are workable, and socially and economically sound.

Letters explaining broad goals and policies (in the form of grassroots petitions or formal letters signed by important groups or individuals) should be provided directly to the commissioners. Detailed formal comments and analyses should be sent to commissioners and appropriate staff.

In meetings, you should always lay out the big picture — your reasons for participating in the proceeding and your broad goals. When meeting with staff, you should bring a

researcher and, if possible, an attorney who can answer technical questions and help negotiate differences in specific proposals. Meetings with commissioners are much more political. In addition to using experts, you should also show strength by bringing a delegation of people representing important organizations, especially ones that have clout with the commissioners.

Sometimes the PUC will hold public hearings to solicit community input. Get your constituency there, with questions relating to your issues. Good attendance from people concerned with your issues can make a difference, especially at sparsely attended hearings with only telephone company lobbyists participating. Sean McLaughlin of Hawaii advises, "keep showing up and asking questions...the commissioners will eventually notice, especially since you may be the only one in the room not making $200/hour."

Negotiating with Corporations. In PUC proceedings, public interest groups often find themselves in an adversarial position with telecommunications companies. However, there may be opportunities to work out a mutually acceptable agreement. To conduct a successful negotiation, you need to know what is at stake for the corporations and anticipate how they will argue their case. Whether or not you enter into a negotiation with telecommunications companies, understanding their position is essential to making your own case as effectively as possible before the PUC.

Large telecommunications companies usually make strong arguments for deregulation, while smaller ones often make arguments focused on their specific circumstances.

Competition: Companies seeking pricing flexibility maintain that competitive market forces exert sufficient pressure on their pricing and operations to make regulation unnecessary to protect consumers.

Infrastructure development: Companies opposed to regulatory restrictions or infrastructure investment requirements claim that they may be unable to recover investment expenditure from rate payers. Companies seeking rapid depreciation argue that it enables them to upgrade equipment more frequently.

New services: Companies attempt to curtail regulations (such as price controls and restrictions) on new services by claiming that such policies slow down deployment.

Economic efficiency: Companies seek the freedom to optimize the rate of return on investment. This increases short-term profits by passing expenses on to customers.

Administrative efficiency: Companies argue that the process of regulatory review itself consumes too many public and company resources. Smaller companies often claim that their expenses in regulatory proceedings outweigh the benefits.

Reaching an agreement with the telecommunications company on your proposal may be the most effective approach. If the company makes a counter-proposal, know your bottom line. Decide which points you may be willing to yield on, and know what to push hardest for. Be ready to consider alternative proposals which may give you

Good attendance from people concerned with your issues can make a difference, especially at sparsely attended hearings with only telephone company lobbyists participating.

what you want. Don't forget the interests of other organizations that have filed (especially consumer groups), even if they are not directly aligned with you. It is important to consult with them before you accept a negotiated deal.

Working with the Press. While PUC decisions have direct impacts on the pocketbooks of your state's citizens, they usually do not get much public attention. ***One of the most important contributions a child advocacy group can make is to raise the visibility of these issues in the press.*** Child advocates are well positioned to inform reporters of the implications of regulatory decisions. By making the issues relevant to everyday citizens, a child advocacy organization can use its credibility to bring political pressure to bear.

Find out who covers the PUC at each local media outlet (radio, television, newspaper). These reporters usually cover business or consumer issues. Send them filings, press releases, and other materials about your group's activities in this field. But don't limit your attention to these journalists. As a child advocacy organization, you can use various story angles—focusing on education, children, parenting, social policy, poverty, or social justice — and educate a whole range of reporters on these issues. Reporters who don't ordinarily cover the PUC may give your story a spin different from that of a business-oriented reporter. Local columnists, editorial writers, and talk show hosts may also transmit your message to the public.

Understanding the PUC Process

There are a number of key steps in a PUC proceeding. They usually include:

Notice: This is generally prompted by a new law that needs implementation, or by the request of a company (or other party) for a regulatory change. The notice of inquiry or notice of proposed rulemaking is the official start of the case.

Presentations: In order to raise the visibility of a case, or define the parameters of the discussion, the PUC may call an *en banc hearing, a public hearing* or a *pre-hearing conference*. Throughout the consideration of new policy, the PUC may schedule hearings to present testimony, hold community meetings, and hear cross-examinations.

Workshops and Task Forces: The main participants in a proceeding are often brought together in a series of meetings to define the agenda, find areas of general agreement, and identify the controversies. Participating in these meetings can be time-consuming but it gives an organization an unmistakable advantage. If the PUC can get the various parties to agree, it doesn't have to face an adversarial litigation case.

Comments: While in-person presentations are important since they can offer media exposure, formal written comments and briefs must be filed with the PUC to provide the legal, economic, and policy justification for particular proposals. There are usually ample opportunities for replies and rebuttals to the comments of other parties.

Appeals: After a decision has been reached, there is usually a second round of comments either in reconsideration or appeal before the matter can be taken to court.

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Other Openings at the PUC

A universal service proceeding is just one of a number of opportunities at the PUC. Other proceedings (often called "dockets") can also provide openings for advancing the kinds of policy goals described in previous pages.

Policy Proceedings. Because of increasing competition in the communications marketplace, PUCs are revising existing regulatory policies and formulating new ones. The public has an opportunity to participate in these processes. There may be one broad Competition docket, in which a number of related issues (including universal service) are examined. Or there may be a series of separate proceedings. PUCs will be dealing with such policy issues as:

Alternative Regulation. Traditionally, telephone company profits have been regulated under "rate-of-return" rules, designed to ensure that consumers are not charged unreasonable rates. Regulators set rates by calculating the costs of providing service and investing in the phone network, and then allowing the phone company a reasonable return. Telephone companies are now persuading PUCs that they need new types of regulation to be viable players in the competitive marketplace. *Price cap regulation* is the most widely used of the new, more flexible approaches. Rather than restricting a company's profits, price cap regulation sets a ceiling on how much a telephone company can charge for basic residential service.

This regulatory approach is very desirable to companies since it enables them to increase profits as the costs of providing telecommunications services continue to decline. Advocates should respond to requests by companies for such alternative regulation by insisting on a public interest *quid pro quo*. To be allowed to substantially increase their profits, companies should be willing to provide substantial benefits to the public. In an Ohio case (see sidebar, "Winning Long-Term Benefits for the Public in Ohio"), advocates were able to use an alternative regulation proceeding to advance a broad agenda on behalf of consumers, schools, and low-income communities.

In states that don't yet have alternative regulation, the PUC is probably in the process of considering it. More than half the states have already adopted a price cap approach. States with price-cap policies in place will most likely be formally reviewing them every three to five years, which creates another opening for public interest intervention.

Rate Rebalancing. Phone companies are also asking PUCs to approve new rate structures, referred to as *rate rebalancing*. Phone companies seek to lower their rates for businesses to be more competitive in that lucrative market segment. If they are allowed to lower business rates, residential rates increase and rates in rural areas could skyrocket. When PUCs consider such proposals, consumer groups and long-distance companies argue that such rate increases are unnecessary (stating that if there is any subsidy from business users for residential rates, it is very small). Child advocates should insist that residential rates be kept low (in order to maintain affordability), and seek specific commitments for children from phone companies during the PUC proceeding.

In states that don't yet have alternative regulation, the PUC is probably in the process of considering it.

Enforcement Proceedings — Rate Adjudication. PUC investigations of poor service or rate overcharging (*rate adjudication*) can also provide significant opportunities for advocates. Prompted by consumer complaints, the PUC often conducts a thorough review of telephone company revenues and earnings. If the PUC finds a pattern of overcharging or poor service, it can order multi-million dollar fines. In many cases phone companies are required to refund money to consumers, through lower rates, credits on phone bills, or checks. In other cases, companies have agreed to provide in-kind resources for the benefit of the general public in the form of Lifeline programs, education funds, or community computing centers.

Every household in Oklahoma received a $125 check in 1995 from SBC (formerly Southwestern Bell) as a refund for inflated telephone bills. This was due in part to advocacy. "Participation from consumer groups made a real difference in the finding," according to the American Association of Retired Persons' (AARP's) Susan Weinstock.

BellSouth was forced to pay the state of Georgia $70 million dollars for a rate overcharge. Governor Zell Miller directed that the money be used to fund the Georgia Statewide Academic and Medical System (GSAMS), which includes over 200 schools and 60 telemedicine sites and is one of the largest teleconferencing systems in the world.

Gains for Low-income Residents in New York State

During the past few years, the Public Service Commission in New York State has been working on competition issues. In 1995, a five-to-seven-year regulatory price plan was worked out, guaranteeing NYNEX customers certain prices. In return, NYNEX was released from any limits on its profits.

Consumer, child, and advocates for poor people were successful in advancing their agenda. The cost of basic service was frozen and the cost of touchtone service eliminated. NYNEX made certain infrastructure agreements, including the creation of a $50 million "diffusion fund" to wire schools and libraries in rural and low-income communities that would otherwise have been among the last to receive advanced services.

In a linked proceeding, consumer advocates made a good Lifeline program better. Charges were significantly reduced (to $1 for access and $10 for a service connection). Outreach is now practically automatic. Residents of low-income households (identified by other government agencies), receive letters stating that they will be switched over to Lifeline rates unless they choose differently.

These gains were achieved by a coordinated effort of public interest organizations (the AARP, a newly formed Citizens' Utility Board, and the nonprofit Public Utility Law Project) and state government departments (Education and Economic Development).

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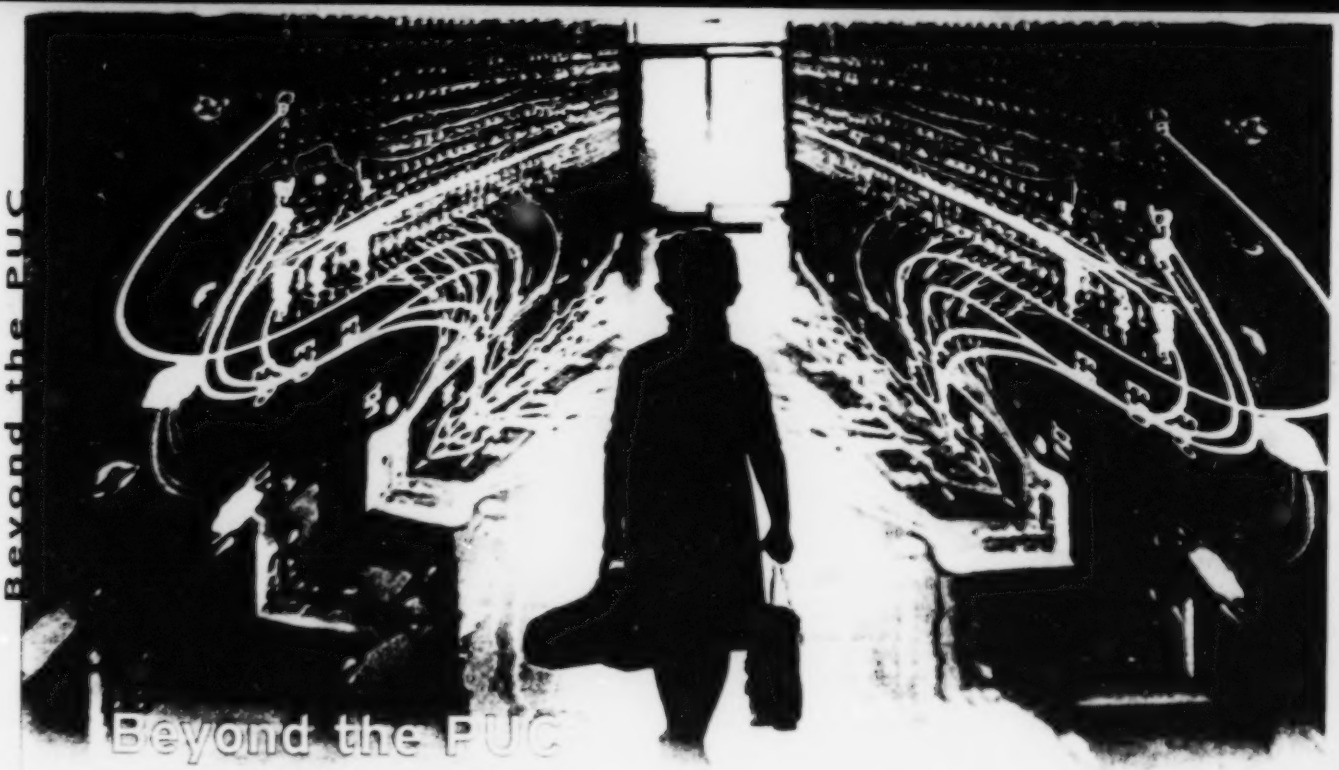

Beyond the PUC

We have devoted a good portion of this guide to explaining how your organization can influence key decisions at the PUC. This agency will be a very important target for your efforts on behalf of children and families during the next few years. Much of the advice in the previous section can also be used to pursue additional opportunities in your state. The two other most significant arenas are the *legislature* and the *state administration*. Because you probably already have considerable experience working within these institutions, we will not spend much time explaining the political and policymaking processes there. However, we will identify some important opportunities that may be coming up.

Targeting the Legislature

The state legislature is in a powerful position to shape the development of telecommunications and its role in serving children.

Telecommunications Reform. Some state legislatures have already begun passing new laws to redefine their telecommunications policies in light of increasing competition. Since passage of the Telecommunications Act of 1996, a number of legislatures have started revising their laws to conform to the new federal mandates. Further legislation may be necessary to grant additional authority to the PUCs to enable them to effectively regulate telecommunications companies.

All of these legislative activities provide openings for advocates. Often good policies can be slipped in without major opposition from telecommunications companies, since they have so much to gain from new legislation. Several states have used the passage of new state telecommunications rules as an opportunity to expand their universal service policies to provide direct benefits to children and low-income families.

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The most obvious place to go for funding is the state legislature, which appropriates money from the general tax pool for specific needs.

Hawaii passed telecommunications reform legislation in 1995. Working with consumer groups and political leaders such as U.S. Senator Daniel Inouye and State Senator Carol Fukanaga, the Division of Consumer Advocacy pushed through amendments mandating that schools and other public institutions receive discounted rates on basic telephone service.

That same year, the Florida legislature established its first Lifeline program for low-income people as part of an overall telecommunications bill.

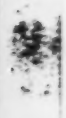
Other states have used telecommunications reform as an opportunity to require new financial commitments from telecommunications companies, which stand to gain a great deal in additional revenues from deregulation. The Texas legislature created a $1.5 billion fund for distance learning from fees levied on telecommunications companies as part of new legislation.

State Funding for Educational Technology. Shrinking federal funding requires that states do more to ensure that all children have access to new technologies. Wiring schools and libraries, transforming curricula, and training teachers are expensive. While PUCs can secure resources for some of these items (like low-cost connections), additional revenues will be needed.

The most obvious place to go for funding is the state legislature, which appropriates money from the general tax pool for specific needs. Funds could come from education, infrastructure, or other sections of the budget. Some states have created programs for community networking, library access, and experimental grant making in new technologies. Utah began appropriating $5 million per year for computers in elementary schools in 1990. By 1995, every school had a hardware link to the Utah Education Network, and state funds could be used for connection and training costs.

Although much of your policy advocacy could place you in an adversarial position with telecommunications companies, you may be able to form alliances with these corporations on some legislative issues. Your goals may be compatible with corporate priorities regarding state investment in educational technology. Government appropriations for communications services will mean more business for them.

A good example is the recent passage of a school technology bill by the Iowa House of Representatives. The new law allocates $150 million over five years to schools for educational technology. (The money will be distributed according to a per-student formula, with a minimum of $15,000 for each school district.) The legislation was supported by the Iowa School Boards Association, the Rural Schools Association, the ISEA (the Iowa teacher's union), and telephone companies, which provided technical expertise and educated legislators about the technology.



Targeting the Right Committees

Telecommunications policy is traditionally the jurisdiction of the Commerce Committee of the legislature. During a normal legislative session new legislation will be introduced, oversight hearings held, and official reports made about some aspect of telecommunications. The extent of competition could be the subject of a committee hearing. Because technology is becoming so important for all sectors of society, there are now multiple and overlapping jurisdictions. Since Education committees shape educational policy, they could promote the deployment of technologies in the classroom. The Economic Development Committee creates a plan for fostering growth of the technological sector in the state.

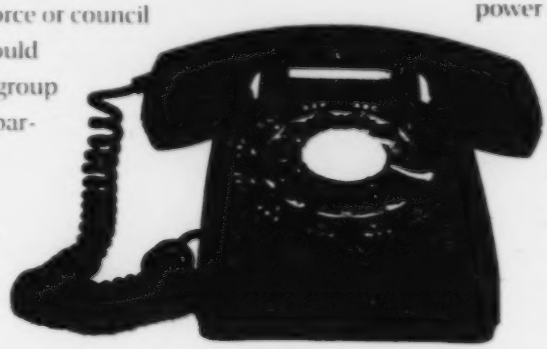
Working with the State Administration

There may also be opportunities to work directly with the state administration. Some Governors' offices have created task forces or councils on such issues as economic growth and education reform. Many states (and even some municipalities) are creating "technology plans" for both economic investment and social welfare. These Task Forces can play very important agenda-setting and policymaking roles in the state, whether calling for specific legislation or urging the allocation of additional government funds. If there is such a task force or council in your state, you should make sure that your group or one of your allies participates.

The Oregon Telecommunications Forum Council run out of the Governor's Office, was created by the legislature under pressure from rural interests, universities and other educational institutions outside the Portland area. Comprised of five telecommunications providers and five user groups, the Council makes recommendations on policy (specifically universal service). It is exploring non-legislative solutions, including market-based approaches for getting companies to serve rural areas.

The California Education Technology Task Force, convened by the State Superintendent of Public Instruction, recently set ambitious goals for the school system, including connecting every classroom to the Information Superhighway by the year 2000, and having one computer for every four students. Made up of industry representatives and educators, the Task Force offered recommendations and sample legislation regarding academic standards for technology proficiency.

States are large users of telecommunications services, and often are among phone companies' best customers. Many states are developing proposals to create new more cost effective networks. As corporations build new networks or upgrade existing infrastructure, state governments should be encouraged to use their market power to make deals with corporations that include beneficial social policies. States like Kansas and Massachusetts, which are building communications networks for state agencies, are letting schools, libraries, businesses, and other organizations have access to the services and the bandwidth.



The private sector is playing a growing role in helping ensure that schools and nonprofit organizations benefit from telecommunications technology.

Other Promising Strategies

Cable TV

While telephone service is regulated at the state level, cable TV is usually franchised at the local level—mostly by city or county governments. (In a few states, such as Connecticut, cable is regulated at the state level.) Most cable TV franchise agreements are in force for periods of ten years or more. However, during a franchise renewal process local city councils have increased leverage and can secure from cable TV companies new commitments for more effective community service. This could include providing schools with advanced technology or free connections to the Internet.

Increasingly, cable TV systems are being sold to other media companies as part of an industry-wide consolidation. City councils usually must approve such transfers of ownership, and can place certain conditions on the new operator. Advocates should seize these opportunities.

Public/Private Partnerships

The private sector is playing a growing role in helping ensure that schools and nonprofit organizations benefit from telecommunications technology. Telephone, cable, cellular, and computer companies have made major financial donations, "adopted" groups, and supported innovative pilot projects. As part of the Net Day campaign, volunteers from the business community helped run cabling through school buildings to create a new computer network. Advocates should consider approaching local telecommunications companies to develop similar programs in their area. To learn about the range of such programs, including success stories, see the *Kickstart Initiative* report cited in the "Resources" section at the end of this guide.

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Secretary of Education Richard Riley has called the growing gap between those children with access to technology and those without it a "digital divide." Proactive and creative policy work from the advocacy community is essential if this gap is to be closed. Effective advocacy during this formative stage of the new media system will prevent a problem from becoming intractable and could eventually solve it.

Ensuring access to the new media system for all is only a first step. In the dawning Digital Age, the computer will supplant the television as the world's most powerful communications medium. Dazzling 3-D images with CD-quality sound will offer thousands of interactive connections to information, education, and entertainment. We must all work together to ensure that the power of this new media system is harnessed so it becomes a positive force in children's lives.

Resources

Where To Get Help

Child advocates interested in exploring opportunities in their states, finding allies and resources, and possibly creating campaigns to increase children's access to computers and digital networks can get help from a number of organizations. We recommend the following steps for tapping the expertise and resources of these groups.

1. CONTACT THE CENTER FOR MEDIA EDUCATION (CME)

CME is the best place for child advocates to begin. The source of this guide, CME has a unique overview of the issues and opportunities. It is committed to being a vital resource for state efforts. During initial consultations, CME will help child advocates assess their specific situations, and start planning their efforts. In addition to practical advice and recommendations, CME will point groups to available resources. CME is a public interest organization working on media and telecommunications policy, with a specific focus on children. It is a leading participant in the debates on children's educational television, online advertising targeting children, and children's access to educational technology at home and at school. This guide is part of CME's project to provide assistance to child advocates at the state level.

1511 K Street NW Suite 518
Washington DC 20005
(202) 628-2620
Fax: (202) 628-2554
E-mail: cme@cme.org
http://www.cme.org/cme

2. IDENTIFY KEY ALLIES IN YOUR STATE

These national organizations each have state chapters or affiliates, but not in every state. By contacting their national headquarters, you can easily determine what is available in a particular state, and whom to contact.

American Association of Retired Persons (AARP)
State chapters of this huge senior citizens' organization are frequent participants in rate payer proceedings at PUCs. In addition The national office can direct you to any chapters in your region and provide excellent materials explaining the issues and the process.

Utilities Team, State Legislative Affairs
601 E Street NW
Washington DC 20049
(202) 434-3915
Fax: (202) 434-6402
E-mail: hpliskin@aarp.org
http://www.aarp.org

Consumer Federation of America (CFA)
Made up of consumer groups across the country with a combined membership of millions, CFA is a leading advocacy group on telecommunications policy. It is a resource on communications policy issues at both the federal and state levels. Call for fact sheets on state issues and to find out if there are affiliates in your state.

1424 16th Street NW Suite 604
Washington DC 20036
(202) 387-6121
Fax: (202) 265-7989

EDLINC
This coalition represents the viewpoints of schools and libraries. EDLINC is very involved with the new universal service proceedings at the FCC. Members include the American Library Association, the National Education Association,

and the National School Boards Association. Each of the members may be able to help you find allies at the state level. The EDLINC Web site (http://www.itc.org/edlinc) has contact information for all member groups. The ALA's Web page on universal service (http://www.ala.org/oitp/involved.html) highlights helpful resources, including the library community's filings.

American Library Association - Washington Office
1301 Pennsylvania Avenue NW Suite 403
Washington DC 20004
(202) 628-8410
Fax: (202) 628-8419
http://www.ala.org

National Education Association
1201 16th Street NW
Washington DC 20036-3290
(202) 822-7310
Fax: (202) 822-7741
http://www.nea.org

National School Boards Association
1680 Duke Street
Alexandria VA 22314-3493
(703) 838-6208
Fax: (703) 548-5613

National Association of State Utility Consumer Advocates (NASUCA)
NASUCA participates in federal telecommunications policy making on behalf of state advocates. It publishes pro-consumer position papers and a newsletter detailing the state-based efforts of its members. Call NASUCA to find out who is the official public counsel in your state.

1133 15th Street NW Suite 550
Washington DC 20005
(202) 727-3908
Fax: (202) 727-3911

3. UTILIZE ADDITIONAL RESOURCES

The following organizations have different areas of concern and expertise, and can give you access to particular resources.

National Association of Regulatory Utility Commissioners (NARUC)
NARUC can provide you with information about your PUC and about the activities of PUCs throughout the country. It issues position papers and filings on national issues.

1102 Interstate Commerce Commission Building
Constitution and 12th Streets, NW
PO. Box 684
Washington DC 20044-0684
(202) 898-2200
Fax: (202) 898-2213
http://www.erols.com/naruc

National Regulatory Research Institute (NRRI)
Serving as the research arm of NARUC, NRRI regularly surveys the state PUCs and issues reports on their activities. It provides resources for PUC staff and the general public. The *NRRI Bulletin* is a very useful publication.

1080 Carmack Road
Columbus OH 43210
(614) 292-9404
Fax: (614) 292-7196
http://www.nrri.ohio-state.edu

National Consumer Law Center
The Center serves as a resource for consumer groups working on regulatory issues, including telecommunications. Staff members frequently testify before state PUCs.

18 Tremont Street Suite 400
Boston, MA 02108-2336
(617) 523-8010
Fax: (617) 523-7398
E-mail: Hn0639@Handsnet.org

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Benton Foundation
The Foundation has compiled a great deal of research on universal service (from quantitative reports to case studies) on its Web site. Some of these documents could be included in your own filings, testimony, and campaigns. A guide describing activities in each state (maintained with The Center for Policy Alternatives) is particularly useful. Hard copies of reports prepared in-house are available.

1634 Eye Street NW 12th Floor
Washington, DC 20006
(202) 638-5770
Fax (202) 638-5771
http://www.benton.org

Useful Readings

CASE STUDIES

"Expanding Low-Income Communities' Access to Telecommunications Technology," by Ellis Jacobs, *Clearinghouse Review*, July 1995.

Details how a coalition of low-income consumers won funding for school technology and community computer centers in an alternative rate regulation proceeding.

"Organizing Advocacy for Network Services in Maine: Political Background of a Successful Initiative," by Paul Schroeder. Presented at The Internet: Transforming Our Society Now (The Internet Society, Sixth Annual Conference, Montreal), June 1996.

Describes how one complaint against commercial telephone rates for public libraries sparked a grass-roots effort. The result was $20 million for a state-wide data network for schools and libraries. This account describes the libraries' negotiating strategies.

Available on-line at:
http://www.spatial.maine.edu/~schroedr/pucnet.html.

UNDERSTANDING THE ISSUES

Getting America's Students Ready for the 21st Century: Meeting the Technology Literacy Challenge, U.S. Department of Education, June 1996.

A comprehensive report that includes recent survey data on schools. It provides useful technology planning models, and extensive appendices of federal, state and local sources of information. It explains what your state is doing and where to look for help and information from federal agencies on the Web and in the bookstore.

One copy per request is available free from the U.S. Department of Education. To order call 1-800-USA-LEARN. Also available on-line at: http://www.ed.gov/Technology/Plan/NatTechPlan.

Connecting K-12 Schools to the Information Superhighway, McKinsey & Company, Inc., for the National Information Infrastructure Advisory Council, 1995.

Clearly explains the techno-jargon and describes alternative models and levels of connectivity. Includes the associated cost estimates most widely accepted by policy makers. Its concise tables and graphs are excellent for presentations. It provides the information needed to

make a decision about technology spending. It also offers funding strategies and compares projected costs to current spending on school technology. Includes several case studies.

To order hard copies contact co-author Mike Nevins at 415-842-5707. Limited number available. Free. Also available on-line at: http://cavern.uark.edu/mckinsey/ or through: www.niiac-info.org/~niiac.

Kickstart Initiative: Connecting America's Communities to the Information Superhighway, prepared by the United States Advisory Council on the National Information Infrastructure, 1996.

This is a good overview of potential applications of technology. Many success stories are highlighted and contact information is provided for each example. Using McKinsey's cost estimates, this report explains how to mobilize communities to find funding and develop volunteer efforts. Explores other issues including privacy and security.

Copies can be ordered from the Government Printing Office for $12.00 each; call (202) 512-1800 and ask for Stock #003-000-00682-4. Also available on-line at: http://www.benton.org/KickStart/kick.home.html or through: http://www.niiac-info.org/~niiac/.

Connecting the Nation: Classrooms, Libraries and Health Care Organizations in the Information Age, by Emilio Gonzalez, prepared for the National Telecommunications and Information Administration, U.S. Department of Commerce. June 1995.

While more dated than subsequent government reports, this document makes a compelling case for wiring schools, libraries and health care facilities to the Information Superhighway. It can be helpful in framing issues.

To obtain free copies of the report contact the NTIA publication department at (202) 482-3999. The report is also available online at: http://www.ntia.doc.gov/ connect.html.

Falling Through the Net: A Survey of the "Have Nots" in Rural and Urban America, U.S. Department of Commerce, Washington, DC, July 1995.

This compilation of government data on the use of computers, modems, and telephones is particularly valuable for those interested in rural telecommunications issues. It contains three pages of analysis and twenty pages of charts. To obtain free copies of the report contact the NTIA publication department at (202) 482-3999. The National Technical Information Services also distributes copies of the report for $19.50 plus handling. They can be reached at (703) 487-4650. This report is also available on-line at: http://www.ntia.doc.gov/ntia-home/fallingthru.html

"Delaware Gap Analysis," by David Hornbeck and John Anderson, for the Delaware Business/Public Education Council, July 1993.

Critiques the public school system's lack of adequate technological resources to train students for the workforce of the future. A good resource for making the economic case for access.

Only available on-line. Go to: http://www.state.de.us, and then link to "schools" to "University of Delaware" to "research centers" to "Delaware Education Research and Development Center" to "Delaware-specific reports".

UNDERSTANDING THE PROCESS

Deregulation and Competition in the Telecommunications Industry, by Bruce J. Weston, Esq., part of "A Guide to Deregulation and Competition in the Electric and Telecommunications Industries," by AARP, 1995.

Explains the vocabulary of regulation, and examines corporate and consumer incentives for action. Provides a framework for analyzing decisions made about local exchange deregulations, and offers advice for consumer protection.

For free copies contact the office of Project Manager Susan K. Weinstock, in the State Legislation Department of AARP, at (202) 434-3950. This report is not yet available on-line.

Universal Service to Universal Access: The Paradigm Shift in Citizens' Use of Telecommunication, by Mark Goldstein and Richard Gooding, Ph.D. International Research Center, December 1995.

The past, present and future of universal service policy are deftly analyzed in this report. State-specific information is placed in a broader context. Useful appendix describes each state's efforts to regulate and fund universal telephone service, as well as advanced services like video and data transmission. Lists a contact person for each state, and includes an excellent list of other resources.

Available on-line at: http://www.state.az.us/tpo/pub.html. Very few hard copies remain: call (602) 542-0142.

State Telecommunications Reform Legislation Authorizing Local Competition Enacted During 1994 and 1995, by Laurie Itkin and Elizabeth McLaughlin-Krile, for National Conference of State Legislatures, September 1995.

Excellent summary (in chart form) of changes in state legislation concerning local exchange carriers (LECs). However, it is no longer completely up-to-date because a number of states have enacted legislation since its publication.

For free copies of the report and further information contact Neal Osten at 202-624-8660. This report should be on-line by December 1996.

"Risks to Consumers in Telecommunications Reform," by Michael Beresik, *National Regulatory Research Institute Quarterly Bulletin*, Vol. 16 (4), pp. 515-531, Winter 1995.

Explains how possible changes in regulation may not be in consumers' interests. Offers principles and policies that regulators can follow to avoid such pitfalls.

To obtain copies, contact the Publications Office at the NRRI at (614) 292-5423. There will be a copy charge of .25 per page.

Telewars in the States: Telecommunications Issues in a New Era of Competition, by Thomas W. Bonnett, prepared for the Council of Governor's Policy Advisors (CGPA), 1986.

This book explains how important telecommunications policy issues will soon become at the state level. Written for policy makers, it can provide advocates with detailed information about the states' role in the regulation of telecommunications. It lays out a number of critical questions which policy makers and advocates should address when considering new policies for universal service.

To purchase a copy ($22.95), call NGA Publications at 301-498-3738. For bulk orders contact CGPA at 202-624-5386. Their address is 400 North Capitol Street, Hall of the States, Suite 390, Washington, DC, 20001.

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